

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DYLLAN M. BARBER,

Defendant.

20-MJ-1187-JJM

NOTICE OF MOTION

MOTION BY:

Brian P. Comerford, Assistant Federal Public
Defender.

DATE, TIME & PLACE:

Before the Honorable Jeremiah J. McCarthy, United
States Magistrate Judge, Robert H. Jackson United
States Courthouse, 2 Niagara Square, Buffalo, New
York, **on the papers.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Brian P. Comerford, dated August 6, 2021.

RELIEF REQUESTED:

Adjournment of Rule 48(b) dismissal date for thirty
(30) days.

DATED:

Buffalo, New York, August 6, 2021.

Respectfully submitted,

/s/ Brian P. Comerford

Brian P. Comerford

Assistant Federal Public Defender

Federal Public Defender's Office

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Counsel for Defendant Dyllan M. Barber

TO: Jeffrey T. Fiut
Assistant United States Attorney

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v.

AFFIRMATION

DYLLAN M. BARBER,

Defendant.

BRIAN P. COMERFORD, affirms under penalty of perjury that:

1. I represent the defendant Dyllan Barber. This case is scheduled for a Rule 48(b) dismissal on August 24, 2021. I respectfully request that the Court adjourn this for approximately 30 days.

2. The Government has provided discovery and I have reviewed these materials with Mr. Barber. The Government has also provided a favorable Plea Agreement, which they have indicated will not be available if this case is indicted. My office recently had Mr. Barber evaluated by a Mental Health Professional, and we need additional time to obtain and review the results of that evaluation.

3. I have discussed this request with Assistant United States Attorney Jeffery Fiut and he has indicated that the Government is not opposed to this adjournment, but will not agree to any additional extensions.

4. Mr. Barber is presently on pretrial release and is compliant with his conditions.
5. We agree that the intervening time should be excluded under the Speedy Trial Act.

For all of these reasons, I respectfully request that the Court adjourn the 48(b) deadline for 30 days.

DATED: Buffalo, New York, August 6, 2021.

Respectfully submitted,

/s/Brian P. Comerford

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TO: Jeffrey T. Fiut
Assistant United States Attorney